

REMARKS

Claim 1 has been amended. Claims 16 and 28 stand withdrawn. The statement that claims 1, 22, and 23 include allowable subject matter is gratefully acknowledged. Claims 1, 5-8, 16, 17, 20, 22-33 are pending in the application. Applicants reserve the right to pursue the original claims and other claims in this and other applications.

The Office Action correctly notes that the drawings show the second post being designated by numeral 123 and the hinge being designated by numeral 122. (Office Action, page 2). The specification has been amended at paragraph [0016] to accurately describe this arrangement by reciting that a “second post 123 [[122]] is connected to the post 117 by a hinge 122 [[123]].” (Mark-ups show changes to the specification).

The disclosure stands objected to under 37 CFR 1.71 as failing to describe how the claimed nail clipper functions. The specification has been amended to describe how the claimed nail clipper functions. Specifically, paragraph [0016] has been amended to recite that “[i]n operation, the lever 118 is depressed, which causes the second post 123 to pivot at the hinge 122 and contact the top member 101 to cause the top member 101 to contact the bottom member 102 and force is thereby applied to the cutting edges 113, 114.” Support for this amendment may be found at least in paragraph [0018], which recites that “[w]hen lever 118 is depressed, the bottom surface 105 of the proximal end of top member 101 is the first part of top member 101 to contact bottom member 102.” Paragraph [0018] also recites that “force is applied to the cutting edges when lever 118 is depressed.” Further support may be found in FIG. 5, which shows the second post 123 connected to the post 117 by a hinge 122. As may be seen in FIG. 5, when the lever 118 is depressed, the second post 123 will contact the top member 101 to press the top member 101 against the bottom member 102. This is true even if one were to assume that the portion of the second post 123 that is visible is the entirety of the second post 123.

The Office Action correctly notes that “the first post 117 acts as a fulcrum and the lever 118 pivots about the hinge 122.” (Office Action, page 2) However, the Office Action incorrectly concludes that “[w]hen the lever 118 is pressed down, the cutting end 113 is lifted up according to

the principle of leverage.” *Id.* The cutting end 113 would only be lifted up when the lever 118 is pressed down if the proximal end of the lever 118 were connected to the cutting end 113. However, the specification does not state that the proximal end of the lever 118 is connected to the cutting end. To the contrary, FIG. 5, reproduced below with added label, shows a “break line” between the lever 118 and the cutting end 113, which indicates that the two elements are not connected.

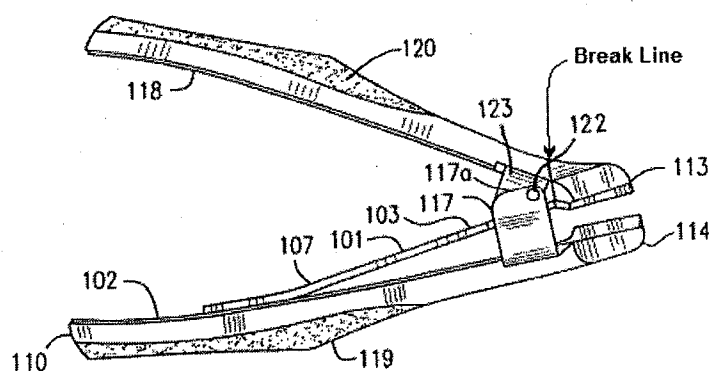


FIG. 5

As noted by the Office Action, raising the cutting end 113 by pressing down on the lever 18 “is not the intended use of the nail clipper.” (Office Action, page 2). The Office Action correctly notes that “the press down force is supposed to bring the cutting ends (113, 114) close together to cut a nail.” *Id.* It would therefore be apparent to one of ordinary skill in the art that the lever 118 is not connected to the cutting end 113.

Since the operation of the nail clipper is clearly shown from FIG. 5, FIG. 5 supports the amendment to the specification. In establishing a disclosure, applicant may rely not only on the specification and drawing as filed but also on the original claims if their content justifies it. *MPEP* 608.04. Accordingly, Applicants respectfully request that the objection be withdrawn and the claims allowed.

Claims 1, 5-8, 17, 20, and 22-33 stand rejected under 35 U.S.C. 112, first paragraph, because it is unclear how the claimed lever, first post, second post, and hinge are adapted to cause the movement of the cutting edges between a cutting position and a non-cutting position. The specification has been amended as discussed above to describe how the claimed nail clipper functions. Applicants respectfully requests that the rejection be withdrawn and the claims allowed.

In view of the above, Applicants believe the pending application is in condition for allowance.

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Respectfully submitted,

By 

Edward A. Meilman

Registration No.: 24,735

David T. Beck

Registration No.: 54,985

DICKSTEIN SHAPIRO LLP

1633 Broadway

New York, New York 10019-6708

(212) 277-6500

Attorneys for Applicants